

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

FRANK LOPA, JR.,

Plaintiff,

– against –

WELLS FARGO BANK, N.A.,
WACHOVIA MORTGAGE CORPORATION,
and
STEPHEN J. FIALA, CLERK OF THE
COUNTY OF RICHMOND, NEW YORK,

Defendants.

MEMORANDUM & ORDER

15-CV-6513 (ERK) (VMS)

Korman, J.:

Frank Lopa, Jr. defaulted on the mortgage on his home located at 388 Edinboro Road, Staten Island, New York. In May 2012, a Judgment of Foreclosure and Sale was entered against Lopa in Richmond County Supreme Court. The relief he seeks in the complaint filed here is to have vacated the judgment of foreclosure, and have the mortgage on his home declared null and void, along with related relief.

Under the *Rooker–Feldman* doctrine, federal district courts lack jurisdiction over cases that essentially amount to appeals of state court judgments. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283–84, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005). “There are four requirements for the application of *Rooker–Feldman*: (1) the federal-court plaintiff lost in state court; (2) the plaintiff complains of injuries caused by a state court judgment; (3) the plaintiff invites review and rejection of that judgment; and (4) the state judgment was rendered before the district court proceedings commenced.” *Vossbrinck v. Accredited Home Lenders, Inc.*, 773 F.3d 423, 426 (2d Cir. 2014) (internal citations and marks omitted). As Wells Fargo

points out, and Lopa fails to contest, all of the *Rooker-Feldman* requirements are met by Lopa's attempt to vacate the judgment of the state court, and have his mortgage declared null and void. Indeed, "[c]ourts in this Circuit have consistently held that any attack on a judgment of foreclosure is clearly barred by the *Rooker-Feldman* doctrine." *Gonzalez v. Ocwen Home Loan Servicing*, 74 F. Supp. 3d 504, 514 (D. Conn. 2015) (collecting cases). The complaint is dismissed.

SO ORDERED.

Brooklyn, New York
February 7, 2017

Edward R. Korman
Edward R. Korman
United States District Judge